
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

SIDNEY GENE REX,
TDCJ 1202949,

Plaintiff,

*versus*BYRD UNIT, *et al.*,

Defendants.

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CIVIL ACTION H-07-3074

Opinion on Dismissal

Sidney Gene Rex sued in the District Court for the Eastern District of Texas. 42 U.S.C. § 1983. Rex sues the Byrd prison unit, the Texas Attorney General, and the Harris County Courthouse. The court transferred the claim against the Byrd Unit to this court. Rex says in 1990 the Byrd Unit put him in a cell with another prisoner who had tuberculosis. He says the only thing the unit did for him was to give him pills. He learned then that his cell mate had tuberculosis because a prison nurse told him so. Rex seeks \$900 billion in damages from the Byrd Unit.

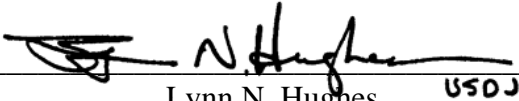
The limitation period for section 1983 cases in Texas is two years. *Owen's v. Okure*, 488 U.S. 235 (1989); TEX. CIV. PRAC. & REM. CODE ANN. § 16.003(a). The limitation period starts when the plaintiff knows about the injury. *Lavellee v. Listi*, 611 F.2d 1129, 1131 (5th Cir. 1980). The limitation period started in 1990. Rex first sued in the Eastern District on August 6, 2007. Rex filed this complaint more than 14 years late.

This case will be dismissed for failure to state a claim recognized at law. The motion to proceed as a pauper (2) is granted. The Texas Department of Criminal Justice-Institutional Division will deduct 20% of each deposit made to the plaintiff's inmate trust account and pay this to the court regularly, when the account exceeds \$10, until the \$350 filing fee is paid.

The clerk will send a copy to the TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas, 78711, Fax: 512-936-2159, and to the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793 by facsimile

transmission, regular mail, or e-mail; and to the District Clerk for the Eastern District of Texas, 211 West Ferguson, Tyler, Texas 75702, Attention: Manager of the Three-Strikes List, by regular mail or e-mail.

Signed October 12, 2007, at Houston, Texas.



Lynn N. Hughes USOJ
United States District Judge

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Final Judgment

This case is dismissed for failure to state a claim recognized at law. 28 U.S.C. § 1915(e)(2)(B).

Signed _____, 2007, at Houston, Texas.

Lynn N. Hughes
United States District Judge